Message

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Subject: OCSPP News for November 23, 2021

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Indiana regulator jumps to EPA's water office
Hannah Northey, E&E News
https://subscriber.politicopro.com/article/eenews/2021/11/22/indiana-regulator-jumps-to-epas-water-office-283522

GREENWIRE | A top Indiana environmental regulator who emerged as a central voice in the state's wetlands battles is heading to EPA's Office of Water.

Bruno Pigott, commissioner of the Indiana Department of Environmental Management, or IDEM, is stepping down from his role on Dec. 3 to join EPA as deputy assistant administrator in the Office of Water, according to a press release from Republican Gov. Eric Holcomb's office.

EPA did not immediately respond when asked to confirm the hire or explain what Pigott's role would be within the office.

Pigott, sources say, is seen as an experienced regulator who listens to all sides and recently pushed back on a successful effort in the state to gut wetland protections. He has more than 20 years' experience serving in various roles at Indiana's environmental regulatory agency, including serving as commissioner appointed by Holcomb for the past five years. Before that, Pigott served as an elected City Council member in Iowa, City, Iowa, and previously as a legislative aide for former Democratic Rep. Dennis Eckart of Ohio and a computer operator for former Democratic Rep. Pete Visclosky of Indiana, according to his online bio.

Tim Maloney, senior policy director of the Hoosier Environmental Council, said Pigott worked his way up through IDEM staff and isn't seen as a political operative, but more of a "career person."

"As a staff member, coming through the ranks, he had an appreciation for the challenges IDEM staff faced and their challenge in terms of resources, hiring and retaining really strong people and moving away from the agency being a training ground for the private sector," said Maloney.

Under Pigott's leadership, the state agency recently pushed back when Holcomb earlier this year signed a bill into law that removed some protections from the state's already dwindling wetlands despite widespread concerns that the language could lead to degraded water quality, habitat and vegetation (Greenwire, April 30).

The state has done a "good job" of implementing a 2003 law that was protective of isolated wetlands under Pigott's leadership, Maloney added.

But Maloney also said the record for IDEM overall has been "mixed," noting that environmental advocates have pushed back on the state's handling of coal ash regulations, disputes that have led to legal action. He said there are also numerous disputes on specific development projects, but that Pigott overall has worked to do as much as he could within the constraints of Republican administrations and laws.

Pigott also has experience overseeing a critical pot of funding — the state revolving loan fund — that's slated to be amped up with the bipartisan infrastructure bill. Pigott, according to his online bio, led a section at IDEM in 2000 overseeing the fund, including evaluating applications for low-interest loans for municipalities to build

wastewater and drinking water treatment facilities.

Holcomb in a statement applauded Pigott's ability to balance environment and business, saying that, "with his guidance, the agency has streamlined processes, eliminated backlogs and cleaned up contaminated properties."

The governor lauded Pigott for narrowing inspection report turnaround times from 45 days to less than five days; reducing raw sewage discharge into waterways; and facilitating cleanup of contaminated sites, including an East Chicago neighborhood, Whiting and 16 Tech in Indianapolis, by helping to accelerate efforts to remove contaminated debris and replace lead service lines that contaminate drinking water.

Pigott has a master's degree from Indiana University School of Public and Environmental Affairs and bachelor's degrees in politics and economics from Michigan State University.

On baby food, FDA weighs toxic exposures against nutrition needs
Ariel Wittenberg, E&E News
https://subscriber.politicopro.com/article/eenews/2021/11/19/on-baby-food-fda-weighs-toxic-exposures-against-nutrition-needs-283430

GREENWIRE | Food and Drug Administration officials pitted toxic exposures against healthy nutrition at a public hearing yesterday about the agency's plans to reduce heavy metals in baby foods.

Heavy metals like lead, cadmium, arsenic and mercury are neurotoxins that can impair development, especially for infants and small children. Their presence in foods marketed to babies and toddlers has sparked congressional investigations, petitions from attorneys general and media firestorms.

FDA's "Closer to Zero Action Plan" to address the presence of heavy metals in baby foods, released this spring, promises to review existing guidance on arsenic in baby foods and set new guidelines for the other three heavy metals, as well as research best practices for farming and production that could further reduce levels of the neurotoxins.

But many foods that are most likely to absorb heavy metals are also important sources of other nutrients.

For example, fish are good sources of folic acid, which helps prevent severe spinal and brain defects, but can contain high levels of mercury due to air emissions from burning fossil fuels. Iron-fortified infant cereal can help babies' blood carry oxygen more effectively, but is often made from grains like rice that easily absorb arsenic.

FDA officials say it may not be possible to completely eliminate heavy metals from foods, as many ingredients naturally absorb contaminants as they grow in dirty soil. Even if it is possible, they questioned whether that would be advisable and whether setting limits that are too low could result in making nutritious foods unaffordable or inaccessible to parents.

Janet Woodcock, acting FDA commissioner, said the goal is "to reduce the levels of these substances in foods to the greatest extent possible while making sure that these changes do not inadvertently result in significant reductions in the availability of nutritious foods parents rely on for their children."

Susan Mayne, director of FDA's Center for Food Safety and Applied Nutrition, illustrated that point using the example of infant rice cereal, the only baby food for which FDA has set heavy metal guidelines. That guideline

— 100 parts per billion for arsenic — has been widely regarded by public health experts as too high. But rather than address those concerns, Mayne was quick to say that the limit should not be taken as a sign that infant cereals generally should not be consumed by small children.

"Although we have set action levels on rice cereal and worked with industry to issue recalls, fortified infant cereal is an important source of iron," she said.

At times, Mayne's comments appeared to downplay concerns around heavy metals in foods.

"We want to make sure that consumers aren't completely cutting out certain foods that are rich in essential nutrients needed for proper growth and development to avoid already low levels of toxic elements in food," she said.

Of course, not all sources of heavy metals in baby foods come naturally. A congressional report released this winter found that baby food producers were also using additives that contained high levels of heavy metals like arsenic (Greenwire, Feb. 4, 2021).

Gerber Senior Director of Regulatory Affairs Cheryl Callen echoed concerns about nutrition in her public comments, noting that nutritious foods like carrots, sweet potatoes, whole grains, beets, spinach and kale are also "susceptible to heavy metal uptake."

"I think we all agree we want our children to learn to love these nutritious and nutrient-dense foods and a wide variety of foods overall," she said. "Acceptance of new foods begins in early childhood, making baby food an important part of the journey. Ensuring these healthy foods remain part of the diet for infants is essential as we work together to minimize the presence of heavy metals."

But many consumer and public health groups pushed back on the notion that reducing heavy metals in baby food would endanger children's [...]

Researchers Say Phthalate Studies Justify Limiting All But 'Essential' Uses
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/researchers-say-phthalate-studies-justify-limiting-all-essential-uses

Scientists say recent reviews of several phthalate chemicals' human-health effects -- including all five currently under TSCA evaluation -- support an aggressive "essential use only" approach to regulating the substances, touting that as a more effective model for assessing and managing their risks.

"We also have to start thinking about essential uses," Maricel Maffini, a scientist and independent consultant, said during a Nov. 19 panel discussion on phthalates hosted by the Swiss non-profit Food Packaging Forum.

Maffini was speaking less than a week after she and other Forum-associated researchers published a review of human-health data on five phthalates that they found demonstrated reproductive and developmental effects at levels lower than the limits set by U.S. and European regulators.

Those results, she said, show the need to reassess whether industry should continue to use the chemicals, which are common elements in plastics, adhesives and fragrances, among other applications.

"We cannot say where those phthalates are coming from in biomonitoring, but they are everywhere," Maffini

said. "Do we really need, for society to function as we know it, to use phthalates as carriers of fragrances? That is the type of conversation that we need to have."

The Forum-led review covered effects of human exposure to benzyl butyl phthalate (BBP), dibutyl phthalate (DBP), diisobutyl phthalate (DIBP), bis(2-ethylhexyl) phthalate (DEHP) and dicyclohexyl phthalate (DCHP) -- the same set of five substances that EPA is currently evaluating for possible rulemaking under the Toxic Substances Control Act (TSCA) -- and argued that other agencies' "safe" exposure levels for the chemicals are too lenient to prevent health risks.

Speaking at the panel, Maffini described the paper as reviewing "very strong epidemiology data showing there are health effects. These effects in humans are not commonly assessed in animals [toxicity testing] that are usually done to set safe levels."

Other speakers also touted another recent phthalate analysis, published by the journal Environment International, where researchers with the University of Exeter analyzed 42 systematic reviews and structured reviews of epidemiological evidence regarding phthalate exposures and their associated health effects.

That paper finds "robust evidence" for an association between exposure to phthalates and a host of health harms, including "lower semen quality, neurodevelopment and risk of childhood asthma, and moderate to robust evidence for impact on anogenital distance in boys. We identified moderate evidence for an association between phthalates/metabolites and low birthweight, endometriosis, decreased testosterone, ADHD, Type 2 diabetes and breast/uterine cancer."

The researchers concluded there was more limited evidence for other health effects, including "anofourchette distance, fetal sex hormones, pre-term birth, lower antral follicle count, reduced oestrodiol, autism, obesity, thyroid function and hearing disorders. We found no reviews of epidemiological human studies on the impact of phthalates from recycled plastics on human health."

The paper's lead author, Jacqui Eales, a research fellow with the University of Exeter's medical school, said during the Nov. 19 event that those findings show the need for "more research in those areas with limited research, particularly on female reproductive effects," which she said are "under-represented" in research "compared to male reproductive effects."

And she argued that epidemiological studies, which deal with human health effects directly, are increasingly showing that regulatory standards based on findings from animal testing are too lax to protect people from exposure risk.

'Essentiality Principle'

Leonardo Trasande, a pediatrics professor at New York University's medical school, said during the Forum event that the "essential use" model is in his view the most important approach to chemical regulation for [...]

PFAS Firefighter Grants Clear Hurdle as House Passes Biden Plan

Dean Scott, Bloomberg Law

https://news.bloomberglaw.com/environment-and-energy/pfas-firefighter-grants-clear-hurdle-as-house-passes-biden-plan?context=search&index=24

Firefighters moved a step closer to getting federal money for protective firefighting gear and firefighting foam that's free of "forever chemicals" after the House passed Democrats' massive social and climate spending package Friday.

The legislation includes $95 million to fund grants for local firefighters through the Federal Emergency Management Administration for personal protective equipment and to acquire foam free of per- and polyfluoroalkyl substances, or PFAS.

The outlook for the Build Back Better package is unclear as it heads to the narrowly divided Senate, where Democrats are struggling to secure support from Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.). The House narrowly passed the package (H.R. 5376) mostly along party lines Friday.

Environmental and consumer groups, including the Environmental Working Group, point to studies detecting above-average levels of PFAS in the blood serum of firefighters.

"Firefighters are among those most highly exposed to harms from PFAS through their protective gear and firefighting foam, but many local fire departments lack the resources to switch to PFAS-free alternatives," said Scott Faber, EWG's senior vice president for government affairs.

PFAS, a family of thousands of man-made chemicals used for decades in nonstick consumer goods, has also been used in firefighting foam, which is effective in extinguishing difficult-to-suppress fires involving petroleum products and other flammable liquids.

But the practice has contributed to groundwater contamination. PFAS chemicals also may cause adverse health effects, including developmental harm to fetuses, testicular and kidney cancer, liver tissue damage, immune system or thyroid effects, and changes in cholesterol, according to the Environmental Protection Agency.

The House effort to include the grant funding was led by Reps. Jim McGovern (D-Mass.) and Dan Kildee (D-Mich.).

TSCA approach for addressing abandoned PFASs may invite criticism

NA, Chemical Watch

https://chemicalwatch.com/377083/tsca-approach-for-addressing-abandoned-pfass-may-invite-criticism

The US EPA has set out plans to use TSCA significant new use rules (Snurs) to address inactive per- and polyfluoroalkyl substances (PFASs), an approach some say is an effective way for the agency to shut out abandoned uses, but which others have criticised.

The debate could ultimately have wider significance, including for the roughly 44,000 substances listed on the inactive portion of the TSCA inventory, given the potential for the agency's work on PFASs to serve as a blueprint for circumventing the laborious and time-intensive existing chemicals review process for other substances.

The EPA disclosed plans in its recent PFAS Roadmap to consider using its Snur authority to "help address abandoned uses of PFASs as well as future uses of PFASs on the inactive portion of the TSCA inventory". The agency said it expects to publish a proposed action related to this effort by the summer.

Imposing Snurs on abandoned PFASs would ensure that the agency is informed of any plans to resume their use

and give it the opportunity to regulate them (see box).

"Updating and expanding existing Snurs and issuing new Snurs are the most efficient ways for the EPA to close the door on abandoned uses of PFASs and make sure that some existing PFASs aren't used in new ways," said Melanie Benesh, legislative attorney at the non-profit Environmental Working Group (EWG).

"The Snur authority is a de facto bar to manufacture/import," Lynn Bergeson and Rich Engler of law firm Bergeson & Campbell said. Requiring companies to submit a significant new use notice (Snun) "leaves EPA in complete control of reviewing and approving or not a 'new use'" of a substance.

Pushback possible

The approach, however, is not without potential concerns.

The American Chemistry Council (ACC) said it supported the EPA's adoption last year of a Snur on long-chain PFASs. However, "as a matter of principle, the use of EPA's Snur authority should be based on an evaluation of potential risk and should not be applied in a generic, one-size-fits-all manner", it said.

Keller and Heckman partner Herb Estreicher said the EPA is better suited to address PFASs through its existing chemical authority, under section 6 of TSCA, rather than with Snurs.

The EPA should be focusing on substances in commerce, said Dr Estreicher. "If something is no longer in commerce, you don't gain a lot by banning it, except you ensure it's no longer introduced," he said.

Nor are industry groups alone in their concerns.

The EPA received harsh criticism over its 2019 decision to impose a Snur on asbestos, with some public health advocates at the time describing the move as "toothless" and a "half step".

Ms Bergeson and Dr Engler said this outlook may stem from a "flawed understanding" of how a Snur functions. But in the case of PFASs, "whether EPA will choose to risk another round of likely criticism is unclear", they said.

Snur authority

Section 5 of TSCA authorises the EPA to designate uses that are not currently ongoing as "significant new uses". Once a Snur is in place, companies that wish to begin or resume any such use must first submit a significant new use notice (Snun) for the agency to review and determine if it should be allowed.

While this authority falls under a section of the law focused on new chemicals, the EPA has occasionally also used Snurs to ensure that phased-out uses of existing substances are not rekindled without prior notification.

The EPA said it considers Snurs "an important notification tool … that can effectively 'close the door' on discontinued uses by requiring EPA review before resuming any new uses that are considered significant".

And it could be a particularly useful approach for addressing the some 44,000 substances listed on the inactive portion of the TSCA inventory.

The PFAS Roadmap specifically noted that the agency's ability to impose a Snur extends to "uses of a chemical that are not currently ongoing – and potentially all uses associated with [...]

GenX assessment hazard value fell without change to critical study

NA, Chemical Watch

https://chemicalwatch.com/377375/genx-assessment-hazard-value-fell-without-change-to-critical-study

The chronic reference dose (RfD) for GenX chemicals in the EPA's recent assessment was derived from the same experimental data in the final version as in the 2018 draft, with the significant decrease in the hazard value resulting from changes unrelated to selection of the 'critical study'.

The sharp shift in the key outcome of the assessment on the basis of relatively subjective changes raises questions about whether the agency is now actively taking a more conservative approach to regulatory science, with implications for future assessments.

Meanwhile, the assessment is likely to receive a lot of attention from both the public and stakeholders in the chemicals community, owing to the high profile of GenX chemicals in the ongoing debate about the potential risks of per- and polyfluoroalkyl substances (PFASs).

In both the draft and the final version, the study used for derivation of the hazard value was one involving rats and conducted by DuPont in 2010.

The decrease in the RfD from the draft to the final version resulted from changes to two key elements: the 'critical effect' and the uncertainty factors.

The critical effect is the adverse effect used as the starting point for calculating hazard. Uncertainty factors are numbers by which the nominal hazard is multiplied or divided to account for uncertainties arising from extrapolation of data generated in a test environment to make real world predictions.

In the draft, the critical effect was "single cell necrosis" in the liver for males. In the final version, the critical effect was a "constellation" of liver lesions in females – an endpoint defined by the National Toxicology Program (NTP) following reanalysis of the data in the 2010 DuPont study.

In response to comments on the draft about the credibility of single cell necrosis as the critical effect, the EPA asked the NTP to convene a pathology working group (PWG) to re-evaluate liver tissues from the DuPont study and a supporting study. The EPA updated the critical effect on the basis of the NTP PWG findings, resulting in a change to the dose used as the starting point for the hazard calculation, known as the 'point of departure' (POD).

The agency also increased two uncertainty factors, one corresponding to extrapolation from a subchronic study to chronic toxicity, and another to account for known deficiencies in the study data.

As a result, the combined factor for all uncertainties increased from 300 to 3,000.

Together, the change to the critical effect and the uncertainty factors resulted in a fall in the chronic RfD from 80 nanograms per kilogram per day (ng/kg/day) to 3ng/kg/ per day.

A peer review panel of independent experts convened to evaluate the final version of the assessment supported the changes.

However, the American Chemistry Council (ACC) told Chemical Watch it was "very concerned that all relevant data was not reviewed and applied to this assessment". It said that the 2010 DuPont study was not the best one to use as the critical study because it had a duration of 28 days and another study, with a 90-day duration, was available. It also disputed that there was a need to increase the uncertainty factor for data

deficiencies and accused the agency of "a lack of a consistent approach to these assessments" when comparing with assessments of other PFASs.

House, Senate bill would ban PFAS in food packaging
Manuel Quiñones, E&E News
https://subscriber.politicopro.com/article/eenews/2021/11/19/house-senate-bill-would-ban-pfas-in-food-packaging-283422

E&E DAILY | Bipartisan legislation in the House and Senate would ban so-called forever chemicals in food packaging.

The "Keep Food Containers Safer from PFAS Act," from Sen. Maggie Hassan (D-N.H.) and Reps. Debbie Dingell (D-Mich.) and Don Young (R-Alaska), would ban the sale of grease-repellent per- and polyfluoroalkyl substances by 2024.

"Food is likely a significant source of exposure to these dangerous chemicals for millions of Americans," said David Andrews, senior scientist for the Environmental Working Group, which announced the bill yesterday.

"PFAS in the environment can contaminate crops and accumulate in fish and meat," said Andrews, "but they also leach into food from food packaging."

The bill is the latest in a host of proposals against the chemicals. Andrews, of EWG, was part of a team of scientists that analyzed food wrappers and found as many as 40 percent of them may have contained PFAS.

New Mexico Urges DOD To Drop PFAS Waste Suit, Citing EPA's RCRA Plan
Suzanne Yohannan, Inside EPA
https://insideepa.com/daily-news/new-mexico-urges-dod-drop-pfas-waste-suit-citing-epa-s-rcra-plan

New Mexico's top environment official is pressing the Defense Department (DOD) to drop litigation challenging the state's first-time permit requirements to regulate per- and polyfluoroalkyl substances (PFAS) as hazardous waste, arguing EPA's recent decision to develop rules to address PFAS under federal waste law precludes the lawsuit.

The state's requests mark an early indication of the kind of efforts that litigants and others are likely to pursue even before EPA completes any planned actions to regulate PFAS under the Biden administration's broad agenda to address the chemicals.

"In accordance with the Biden-Harris Administration efforts to protect Americans from PFAS and Administrator Regan's binding commitment to [New Mexico] Governor Michelle Lujan Grisham, I urge you to end the DOD's and U.S. Air Force's litigation efforts and begin working cooperatively with New Mexico to comply with federal and state law by implementing [Resource Conservation & Recovery Act (RCRA)] corrective action," New Mexico Environment Department (NMED) Secretary James Kenney wrote in a Nov. 10 letter to Defense Secretary Lloyd Austin III.

"Continued insistence on the Trump Administration's litigation is untenable and indefensible as a matter of public policy, good governance, and simple conscience," he says.

Kenney, in response to questions from Inside EPA, also says the state's case is further bolstered by draft scientific documents EPA submitted this week to its Science Advisory Board, finding negative health effects from two of the most studied PFAS may occur at much lower exposure levels than previously believed and that one of those -- perfluorooctanoic acid (PFOA) -- is a likely carcinogen.

"This further validates New Mexico's imminent and substantial endangerment lawsuit against the DOD for failing to act as directed by New Mexico in 2019," he says, citing a separate, pending lawsuit the state filed to compel DOD to comply with cleanup requirements.

A DOD spokesman acknowledges receipt of Kenney's letter, but says he "cannot provide further comment due to ongoing litigation." New Mexico so far has not received a response to its letter, Kenney says.

At issue is whether DOD in United States v. NMED will continue to fight New Mexico over PFAS cleanup requirements the state is trying to impose.

The state is seeking to require Cannon Air Force Base (AFB), which used PFAS-containing aqueous firefighting foam, to address migrating contamination under its state hazardous waste law as it relates to implementing RCRA.

The outcome of DOD's fight with New Mexico could set a precedent on how far states' authorities reach in applying PFAS regulations to DOD, which has resisted some states' requirements for PFAS by citing the lack of federal PFAS hazardous waste or hazardous substance listings.

In a legal filing earlier this year, the Air Force argued that the state cannot include PFAS and other substances in its definition of hazardous waste in a permit at Cannon AFB as EPA has not identified the chemicals as hazardous waste.

The military argues that the state's effort to regulate PFAS exceeds the scope of RCRA's waiver of sovereign immunity.

RCRA Corrective Action

But in response to a petition from Lujan Grisham, EPA Administrator Michael Regan decided last month to launch two RCRA rulemakings that set the agency on a path to an eventual "hazardous waste" listing. That effort includes a clarification in which the agency says PFAS can be remediated through RCRA's cleanup requirements, known as corrective action.

In an Oct. 26 letter to Lujan Grisham, Regan said the agency will start a rulemaking process to propose listing four well-known PFAS as "hazardous constituents" -- which is a trigger for "corrective action" and for a broader listing as a "hazardous waste."

The agency will also launch a second rulemaking to clarify the use of RCRA's corrective action program to effectively require investigations and cleanup of PFAS and other [...]

Historic Legislation Reintroduced in Congress to Ban Pesticides Dangerous to Children, Farmworkers
J.W. Glass, Center for Biological Diversity

https://biologicaldiversity.org/w/news/press-releases/historic-legislation-reintroduced-in-congress-to-ban-pesticides-dangerous-to-children-farmworkers-2021-11-22/

WASHINGTON— U.S. Sen. Cory Booker (D-N.J.) reintroduced historic legislation today to protect children and farmworkers by banning dangerous pesticides like paraquat, neonicotinoids and organophosphates.

The Protect America's Children from Toxic Pesticides Act of 2021 creates new protections from harmful, potentially deadly, pesticide exposure for frontline farmworkers, while requiring the Environmental Protection Agency to reexamine the safety of dozens of dangerous pesticides already banned in the European Union or Canada. The bill also closes loopholes in the Federal Insecticide, Fungicide and Rodenticide Act that the pesticide industry has historically exploited to keep dangerous products in use.

"Children and farmworkers should not have to risk suffering serious harm from dangerous pesticides, including many that are banned in other countries," said J.W. Glass, EPA policy specialist at the Center for Biological Diversity. "These critical reforms are long overdue. They'll ensure that people's health comes before the pesticide industry's greed."

The bill would also ban the lethally toxic pesticide paraquat, a chemical known to cause Parkinson's disease that is already banned in the more than 50 countries. It would also ban organophosphate pesticides like chlorpyrifos and malathion, many of which have been linked to brain development issues in children, cancer or endocrine disruption.

"Exposure to paraquat increases risk for Parkinson's disease — as well as causes lung damage and other issues. This herbicide must be banned," said Todd Sherer, Ph.D., executive vice president, research strategy at The Michael J. Fox Foundation for Parkinson's Research. "It is irresponsible to continue allowing a chemical on the market that is a known contributor to developing a neurodegenerative disease. In addition to the human toll, Parkinson's brings a high financial cost to the individual and the government. Banning paraquat will reduce the number of people who develop Parkinson's and ease the economic burden."

A study commissioned by The Michael J. Fox Foundation and a consortium of partners found that Parkinson's disease costs $52 billion each year in the United States. More than $25 billion of that cost is borne by government programs like Medicare and Social Security. By 2037 the cost is expected to grow to nearly $80 billion annually.

"This bill includes a ban on groups of pesticides associated with some of the highest numbers of reported farmworker poisonings," said Margaret Reeves, senior scientist at Pesticide Action Network. "It also calls for pesticide illness reporting, an essential tool in understanding the real impacts of pesticide use on farmworkers and their families. Though required in very few states, illness reporting has been a vital tool in California for years. It's time all states adopt this practice."

In addition, the legislation would:

Protect farmworkers by requiring employers to report all pesticide-caused injuries to the EPA and establish strict penalties for failing to report, concealing information or retaliating against workers;
Require that pesticide label instructions be written in Spanish as well as any language spoken by more than 500 farmworkers using a particular pesticide;
Close loopholes in FIFRA's emergency exemption and conditional-registration provisions, consistently abused by the pesticide industry to obtain annual "emergency" approvals for the same pesticides and "conditional" approvals without providing scientific evidence of safety;
Ban the use of neonicotinoids, already phased out in many other nations, which are major contributors to the

rapid decline of pollinators.

Sweeping Senate pesticide law overhaul protects kids, farmworkers and everyone
Sarah Graddy, EWG
https://www.ewg.org/news-insights/news-release/2021/11/sweeping-senate-pesticide-law-overhaul-protects-kids-farmworkers

WASHINGTON – Legislation introduced today would ban or restrict scores of the most toxic pesticides, set health-based limits on pesticide use and registration, and create safety protections for farmworkers. If passed, it would be the most sweeping overhaul of U.S. pesticide law in almost 25 years.

The Protect America's Children from Toxic Pesticides Act of 2021 introduced by Sen. Cory Booker (D-N.J.), would significantly strengthen the Environmental Protection Agency's authority under the Federal Insecticide, Fungicide and Rodenticide Act, or FIFRA, to regulate the distribution, sale and use of pesticides. The bill would ban some of the most toxic pesticides used in the country, including all organophosphates, neonicotinoids and paraquat.

"We applaud Sen. Booker for this bold and much-needed proposal to overhaul the nation's pesticide law, which puts the health and safety of children, farmworkers and all Americans first," said Scott Faber, EWG senior vice president for government affairs.

The bill would also ban chlorpyrifos, which can damage children's brains and was slated for phaseout by the Obama administration, a proposal reversed under President Donald Trump's EPA. The Biden EPA in August then said it would prohibit all uses of the pesticide on food.

Booker's bill would also ban malathion, which has been linked to increased risk of prostate cancer, and imidacloprid, which, like other neonicotinoids, poisons pollinator insects like bees.

Children are especially susceptible to health risks from pesticide exposure. The American Academy of Pediatrics, which urges stricter pesticide regulations, says evidence links early-life pesticide exposure to pediatric cancers, decreased cognitive function and behavioral problems.

"Numerous studies show that existing EPA regulations for pesticides fail to protect children's health," said Olga Naidenko, Ph.D., EWG vice president for science investigations. "The federal pesticide policy is in urgent need of reform."

Under the proposed legislation, the EPA would be required to immediately suspend and review the use of any pesticide banned in the European Union or Canada. The list of such pesticides includes the notorious herbicide atrazine, which disrupts hormones, harms the developing fetus and contaminates the drinking water of millions of Americans.

"The pesticide industry and chemical agriculture have for far too long been able to abuse legal loopholes allowing for the use of toxic pesticides that have not been adequately tested to make sure they are safe for people and the environment," Faber said.

"As a result, millions of Americans are exposed to dangerous pesticides in their air, water and food. Sen. Booker's bill will rein in this largely unchecked explosion of pesticide use by agriculture and give the EPA much stronger authority to protect the public," said Faber.

The legislation would also set new restrictions on the "conditional registration" loophole in the FIFRA law that allows pesticide manufacturers to get new chemicals approved and into the marketplace before the EPA has reviewed all the available science to determine whether they are safe.

The bill would also better protect farmworkers by requiring pesticide labels to be printed in English and Spanish, require employers to report injuries to farmworkers from pesticide exposure, and require the suspension of a pesticide when it causes a farmworker's death.

EPA extends emerging viral pathogens guidance 'indefinitely'
NA, Inside TSCA
https://insideepa.com/tsca-takes/epa-extends-emerging-viral-pathogens-guidance-indefinitely

Citing the 'ongoing' nature of the COVID-19 pandemic, the EPA has announced that its emerging viral pathogens (EVP) guidance for antimicrobial pesticides has been extended and will remain in place indefinitely.

"EPA recognizes that public health concerns due to COVID-19 are ongoing and therefore is indefinitely extending COVID-19 activation of the emerging viral pathogens (EVP) guidance for antimicrobial pesticides," the agency said in a Nov. 19 statement announcing the extension.

It added, "EPA's EVP guidance for antimicrobial pesticides is a part of the federal government's pandemic preparedness, allowing manufacturers to provide the Agency with data, even in advance of an outbreak, demonstrating that their products are effective against hard-to-kill viruses."

EPA originally developed the guide in 2016, to set out a process for identifying effective disinfectants for use against novel pathogens. It first activated that process in January of 2020, when the coronavirus first emerged as a global health threat.

Among other provisions, the EVP guidance allows disinfectant registrants to make limited claims of their product's efficacy against emerging pathogens, in order to ease production and deployment of products that could aid in fighting novel diseases. It also accelerates agency review of applications to add such claims to disinfectant labels.

The agency's website refers to the guidance as a "voluntary, two-stage process to enable use of certain EPA-registered disinfectant products against emerging viral pathogens not identified on the product label." The Nov. 19 release says that so far "EPA has added approximately 400 products with emerging viral pathogens claims" to its "List N" of disinfectants effective against the coronavirus.

All of the List N disinfectants are intended for use on surfaces, including food contact surfaces, porous surfaces like laundry, and hard nonporous surfaces.

While EPA has acknowledged that current research into the spread of COVID-19 shows surface-based transmission is not nearly as much of a threat as air transmission, it has continued some of its policies aimed at speeding approval of antimicrobials.

In April, the Biden EPA issued a second emergency approval for a "durable" disinfectant surface coating that continuously kills COVID-19 after application, following on the Trump administration's first approval of such a

substance in 2020.

In its announcement for that action, EPA said, "Recent information from the [CDC] notes that the risk of being infected with COVID-19 by touching contaminated surfaces is considered low. This product serves as an additional tool in limited use situations to aid in the fight against the virus and does not replace routine cleaning and disinfection."

Pesticides leave a lasting mark on pollinating bees
Kate Baggley, Popular Science
https://www.popsci.com/science/bees-pesticide-fertility/

Bees may need multiple generations to recover from the lingering impacts of pesticide exposure, according to a new study.

Scientists at the University of California, Davis tracked how blue orchard bees that encountered chemical-laced nectar and pollen as larvae or adults fared over two years. The researchers found that exposure early in life could impair reproduction, as could exposure during adulthood. However, the effects were especially dramatic in bees that faced a double whammy of pesticide exposure as youngsters and adults; these unlucky insects produced 44 percent fewer offspring than bees that were never exposed to the chemical.

These delayed, or "carryover," effects should be taken into account for future conservation efforts, the team reported on November 22 in Proceedings of the National Academy of Sciences.

"We have a better understanding now of the way pesticide exposure affects bee populations over time," says study co author Clara Stuligross, a PhD candidate in ecology at UC Davis. "This really shows that pesticide exposure to bees in agricultural areas is additive, and exposure to pesticides in multiple years has a greater effect than just a single exposure."

Pesticides are one of many threats contributing to declining insect populations. "But mostly the studies have focused on the current effects of pesticide exposure, despite the fact that pesticides could affect organisms long after direct exposure," Stuligross says. "That's where we came in."

She and her colleague Neal Williams decided to investigate the long-term impact of pesticides on blue orchard bees, a common species in North America that pollinates crops such as almonds and cherries. Unlike honeybees and bumblebees that live in large colonies, blue orchard bees are solitary, with each female responsible for collecting pollen and nectar to provision her own offspring.

In agricultural areas, pesticides are often applied several times a year. This means that bees in these areas will likely come into contact with the chemicals at multiple stages of their life cycles and over multiple years, Stuligross says.

To recreate these conditions, she and Williams allowed groups of captive bees to forage from flowers with or without pesticide treatment. The following year, they divided up the bugs' grown offspring; once again, some groups foraged on pesticide-treated flowers and some did not. The team then counted how many offspring the insects produced.

[Related: 5 ways to keep bees buzzing that don't require a hive]

They found that bees exposed to insecticide as adults were slightly less likely to produce offspring and constructed their nests more slowly than other bees. Overall, they raised 30 percent fewer offspring than bees that didn't encounter the chemical as adults.

For individuals that had only been exposed as larvae the previous year, the damage was more subtle. The bees' nesting behavior was unaffected, but they had 20 percent fewer offspring compared with bees without past exposure. "It means that it can sometimes be hard to detect these carryover effects," Stuligross says. "It may be easy to miss them if you don't look all the way through the life cycle."

Bees that had fed on tainted pollen and nectar as larvae, and were then exposed again as adults, had 44 percent fewer offspring than bees that had never faced the insecticide. Overall, their population growth rate was 72 percent lower than that of the unexposed bees, the researchers calculated.

The pesticide that Stuligross and Williams used, a common one in the US known as imidacloprid, affects the nervous system and has been shown to interfere with bees' learning ability, behavior, and physiology, she says. It's likely that the chemical harms bees in multiple ways that collectively hinder their reproduction, foraging, and ability to build nests.

"We just looked at one little slice of how this one pesticide exposure could affect bees," Stuligross says, noting that the study [...]

Amazon agrees to pay $2.5M to settle pesticide sales lawsuit
Levi Pulkkinen, The Seattle Times
https://www.seattletimes.com/business/amazon/amazon-agrees-to-pay-2-5m-to-settle-pesticide-sales-lawsuit/

Amazon has agreed to pay $2.5 million to settle a lawsuit brought by the Washington state Attorney General's Office claiming the company allowed industrial-grade pesticides to be sold illegally through its online marketplace.

The pesticides at issue were highly regulated and, in some cases, not available for sale to the general public. Under state law, sellers must hold licenses to sell them and record information about the buyers at the time of sale. For the most dangerous pesticides, the buyer must also be licensed as a pesticide applicator.

The U.S. Environmental Protection Agency has repeatedly investigated pesticide sales on Amazon, garnering a $1.2 million settlement in 2018.

Amazon facilitated thousands of sales involving the high-strength pesticides between 2013 and 2020, when the company suspended all restricted pesticide sales, attorneys for the state claimed. Amazon failed to inform customers that the agricultural and industrial-use pesticides were different from broadly available products, creating an impression that anyone could buy and use them, the state contended.

"Amazon is a powerful corporation — but it's not above the law," Washington Attorney General Bob Ferguson said in a statement.

Some of the pesticides sold on Amazon, if used improperly, can cause neurological damage in humans, contaminate groundwater and harm threatened and endangered species, including Chinook salmon and orcas. A company spokesperson noted that no allegations have been made of harm to customers or the environment.

In addition to paying $2.5 million, Amazon is required to obtain a license if it restarts sales of those pesticides and to make a host of reforms meant to block unlawful pesticide sales. Amazon agreed to let state investigators review its records to ensure the settlement terms are being met.

By email, a company spokesperson said Amazon "will continue to partner with the Attorney General's Office and other relevant agencies to remain in compliance" going forward. Amazon did not admit any wrongdoing.

The agreement reached Monday will be reviewed by a King County Superior Court judge in coming days. Washington residents who may have unintentionally purchased restricted pesticides should contact Amazon.

Fungal Resistance to Antimicrobial Pesticides Leads to Deadly Infection
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/11/fungal-resistance-to-antimicrobial-pesticides-leads-to-deadly-infection/

(Beyond Pesticides, November 19, 2021) The U.S. Environmental Protection Agency (EPA) announced, in mid-October, a revision of its guidance on the evaluation of antimicrobial pesticides used against Candida auris (C. auris). This pathogen is a type of fungus (a yeast) that can cause serious infection, and can spread readily among patients and staff in hospitals and other congregate healthcare settings (such as nursing homes). C. auris has developed resistance to what used to be the therapeutic impacts of major antifungal medications. (Resistance is a major and growing problem in healthcare and in agriculture, with the latter exacerbating the former.) Another moving part in this unholy development of "chemical compounds no longer working" is EPA's failure to assess the efficacy of any pesticides that are not used for public health purposes; for example, EPA evaluates the efficacy of only those antimicrobial compounds whose use patterns classify them as human-health-related. This failure to evaluate efficacy of all other pesticide products leaves many people in the dark about whether what they may be using actually works — never mind the potential risks associated with that use.

The antifungal medications that have been used for many years to treat Candida infections often no longer work for C. auris; some infections have shown resistance to all three types of antifungals available as treatments. Beyond Pesticides wrote, in 2019: "Echoing the development of resistance in bacteria, there have lately been resistant fungi showing up in hospitals and labs, adding to the already considerable worry in the medical community about how to treat people who contract infections caused by resistant pathogens. Matthew Fisher, Ph.D, a professor of fungal epidemiology at Imperial College London, has said, 'It's an enormous problem. We depend on being able to treat those patients with antifungals.' Fungi, just like other organisms, adaptively exploit genetic mutations to defend against what would kill them — in this case, antifungal medications."

The new guidance from EPA on C. auris offers recommendations for laboratory methods on producing and storing cultures of the drug-resistant pathogen, and evaluating the effectiveness of antimicrobial products intended to treat surfaces contaminated with it. To be clear, it is not all isolates (strains) of C. auris that have developed drug resistance — yet. Back in 2017, in consultation with The Centers for Disease Control and Prevention (CDC), EPA issued interim guidance for evaluating the efficacy of disinfectants used in hospitals against C. auris. Later on, lab data were generated (based on CDC's tracking of clinical cases of multi–drug resistant C. auris isolates in the U.S.) as a basis for comparing the relative resistance of various isolates of C. auris to antimicrobial disinfectants.

The updated EPA guidance directs that manufacturers of any new products seeking registration should test for efficacy using a more-relevant strain of C. auris. Beyond Pesticides notes again the serious flaw in EPA's practice: the agency leaves to the chemical industry the responsibility for testing its products for safety (and in

this case, efficacy), and submitting related data as part of the registration application process. EPA's Office of Pesticide Programs relies on industry-generated data to register and regulate pesticide products whose uses result in widespread public exposure.

Candida auris can be deadly; indeed, more than one in three patients with a serious C. auris infection of the blood, heart, or brain die from it, and nearly half of those who contract the infection die within 90 days. Immunocompromised people and infants are at high risk of lethality from these infections. C. auris is difficult to eradicate in patient surrounds, so healthcare settings are understandably concerned not only about the increasing inefficacy of antifungal medications, but also, about how to control the spread of [...]

Banned Pesticides Associated with Endometriosis
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/11/banned-pesticides-associated-with-endometriosis/

(Beyond Pesticides, November 23, 2021) Women exposed to metabolites of the banned insecticide chlordane are over three times more likely to develop endometriosis, finds research published in the journal Environment International. The study is the latest to find links between persistent organic pollutants (POPs), still lingering in our environment and in our bodies, and chronic disease. According to an economic analysis conducted in 2016, exposure to endocrine (hormone) disrupting chemicals, often implicated in considerable damage to the body's reproductive system, results in billions of dollars of health care costs from female reproductive disorders.

Researchers set out to integrate two methodologies into their evaluation, combining analysis of POP biomarkers in blood with an analysis of biomarkers in that body that correspond with cell functioning, inflammation, and stress. A total of 87 women were enrolled in the study, half of whom had deep endometriosis, a quarter of whom also had the disease and sought surgical intervention, and a remaining quarter without reproductive concerns acted as a control. Twenty polychlorinated biphenyls (PCBs) and 30 organochlorine pesticide compounds were analyzed, as were various biomarkers and inflammatory cytokines.

The analysis revealed two compounds to be positively associated with endometriosis – trans-nonachlor, a breakdown product of the banned organochlorine insecticide chlordane, and PCB 114 (there are 209 different PCB compounds), with odds ratios of 3.38 and 1.83, respectively. Compared to the control group, those with endometriosis also had higher total levels of PCB in their blood. Scientists also identified cytokine biomarkers, determining that women with higher levels of these compounds in their bodies were more likely to have endometriosis with endometrioma. According to the study, "Results suggest the role of certain POPs in promoting pro-inflammatory metabolic conditions which may be involved in the development of severe endometriosis."

Although the authors note the need for additional, larger studies, there is already a considerable body of literature linking POPs and other legacy chemicals to chronic female reproductive diseases. Research published in 2012 found links between high blood levels of hexachlorocyclohexane (HCH), a breakdown product of the insecticide lindane and endometriosis. A 2013 study looking at technical grade organochlorine insecticides lindane and mirex found similar results. In that study, women with the highest levels of mirex in their bodies had a 50% greater risk than women with the lowest levels. For lindane, the risk was higher, at 70%. While both chemicals have long been banned on food crops, lindane is still permitted for use by the U.S. Food and Drug Administration to kill head lice.

While the long-term dangers of organochlorine insecticides are now well known, organophosphates insecticides developed to replace these hazardous chemicals pose similar health risks. A 2019 study found that both the

metabolite of the organophosphate diazinon and a breakdown product of the organophosphate chlorpyrifos were both associated with increased risk of endometriosis. While risks from breakdown products are likely to be similar to effects seen with the parent compound, there is growing evidence that these metabolites are even more toxic than the original compound. Relevant to the current analysis, a 2021 study found that many of these breakdown products may exhibit MORE powerful endocrine-disrupting impacts than its parent chemical.

The decision to approve a pesticide has effects that ripple across the future. In the U.S. these decisions, made under a cloak of secrecy that skirts public oversight, are often unofficially approved before even reviewing the science, with agencies receiving "yes packages" from powerful individuals connected to the pesticide industry. But the impacts of these decisions have real impacts on the health of individuals, [...]

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